

cial District, in employing a clerk, be approved. Adopted.

Senator Friend, for Committee on Engrossed Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed Bills, beg leave to report that they have carefully examined and compared Senate bill No. 311, "An Act to authorize the International and Great Northern Railroad Company to issue bonds, and find the same correctly engrossed.

W. R. FRIEND, for Committee.

On motion of Senator Flanagan, the rules were suspended to take up Senate joint resolution, No. 194, "An Act to authorize and require the Adjutant-General to make application to Gen. W. T. Sherman for an additional regiment of cavalry, &c."

Resolution taken up, read second time and ordered engrossed.

On motion of Senator Flanagan, the rules were further suspended, resolution read third time and passed.

On motion of Senator Wood, John W. Lane, assistant secretary, was excused until Wednesday next.

On motion of Senator Culberson, the Senate adjourned.

SIXTY-NINTH DAY.

SENATE CHAMBER,
Austin, April 6, 1874. }

Senate met pursuant to adjournment. Roll called ; quorum present.

Prayer by Rev. J. W. D. Erath, of Cold Springs.

On motion of Senator Friend, the reading of the journal of Saturday was dispensed with.

On motion of Senator Friend, Senator Ellis was excused for the day on account of sickness.

On motion of Senator Parker, Senator Morris was excused for two days from to-morrow.

Senator Erath, chairman Committee on Private Land Claims, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Private Land Claims have considered Senate bill No. 346, "An Act for the relief of G. Hoffman,"

and instruct me to report it back to the Senate, and recommend that it do pass.

ERATH, Chairman.

By leave, Senator Westfall introduced a bill entitled "An Act to amend section twenty-eight of an act entitled 'An Act prescribing the time of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870. Read first time, and referred to Judiciary Committee.

By leave, Senator Shepard introduced a bill, entitled "An Act to amend 'An Act to establish and maintain a system of public free schools in the State of Texas,'" passed May 22, 1873. Read first time, and referred to Judiciary Committee.

By leave, Senator Wood introduced a bill entitled "An Act to change the time of holding courts in the Thirty-first Judicial District." Read first time, and ordered to lie on the table.

Senator Culberson offered the following concurrent resolution:

Resolved by the Senate, the House concurring, That this Legislature adjourn *sine die* on the first Monday in May next. Read and laid over under the rules.

By leave, Senator Wood introduced a bill entitled "An Act to further continuance in criminal causes." Read first time, and referred to Judiciary Committee.

By leave, Senator Wood introduced a bill entitled "An Act to regulate the fees of certain officers in criminal cases, and provide for their payment." Read first time, and referred to Committee on Retrenchment and Reform.

Senator Wood, for Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred House bill No. 387, "An act to provide for the sale of the land granted to the Deaf and Dumb, the Lunatic and Blind Asylums," ask leave to return the same, and recommend its passage.

Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 48, "An act to fortify land titles," ask

leave to return the same with the following amendment: Strike out all after the word "act," in line seven, section one, of the bill, down to the words "a certified copy," in section one, line twelve, of the bill, and recommend its passage, as amended."

WOOD, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 233, "An Act to enable clerks of the district courts in certain counties to qualify as justices of the peace," ask leave to return the same and recommend its passage.

WOOD, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate joint resolution No. 305, "Requesting our Representatives and Senators in Congress to aid in securing the passage of a law which will insure the early completion of the Texas and Pacific Railroad," ask leave to return the same and recommend its passage.

WOOD, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 349, "An Act to amend 'an act prescribing the times of holding the district courts in the several judicial districts of the State,'" approved August 10, 1870, ask leave to return the same with the following amendment:

Amend by inserting an enacting clause, and recommend its passage as amended.

WOOD, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 347, "An Act to amend section thirteen of 'an act to incorporate the Galveston Bank and Trust Company,'" ask leave to return the same and recommend its passage.

WOOD, for Committee.

Senate bill No. 72, "An Act to amend an act entitled 'an act to authorize the cancellation of patents in certain

cases,' " approved February 3, 1854, was read third time and passed.

Senate bill No. 68, "An Act for the protection of game and birds," was read third time and passed.

A message was received from the House announcing the passage of House bill No. 408, "An Act relating to sheriffs' bonds;" also the passage of House bill No. 429, "An Act to provide for the appointment of sheriffs *pro tem* in certain cases, and prescribing the manner of qualification and the duties of such officers;" also, House bill No. 259, "An Act to appoint trustees to take charge of property bequeathed to the State of Texas, for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest."

On motion of Senator Davenport, the rules were suspended to take up Senate bill No. 213, "An Act to create a department of agriculture for the State of Texas." Bill taken up and read second time, together with the amendments recommended by the committee reporting on said bill.

On motion of Senator Culberson, the amendments of the committee were adopted.

Senator Wood offered the following amendment:

"Strike out in section three, line thirteen, the words 'and awards for racing.'" Adopted.

Senator Wood offered the following amendment:

"Amend section seven, line three, by striking out in line three, after the word 'of,' the word 'to,' and including the word 'year' in line sixteen, and insert in lieu thereof the words 'ten hundred dollars per annum as full compensation for their services.'" Adopted.

Senator Culberson offered the following amendment:

Amend the blank in section nine by filling out the same with the words "twenty thousand." Lost.

Senator Wood moved to amend that portion relating to the salary of the Superintendent, by striking out the words "three thousand," and inserting "two thousand." Lost.

Senator Trolinger offered the following amendment: amend by inserting after the word "services" the words "at the rate of" in line forty-seven, section four. Adopted.

Senator Culberson moved to amend the blank in section nine, by inserting the words "ten thousand."

Senator Ledbetter offered the following as an amendment to the amendment offered by Senator Culberson:

In the ninth section, fifth line, after the word "act," add

the words "*provided* the entire expense of the department shall not exceed ten thousand dollars per annum."

The amendment as amended was then adopted.

On motion of Senator Westfall the vote adopting the amendment in section seven, line three, by inserting the words "ten hundred dollars as full compensation for their services," was reconsidered, and the word "ten" just before the word "hundred" was stricken out, and on motion of Senator Wood, the word "one" was inserted.

The bill as amended was then ordered engrossed.

On motion of Senator Davenport, the rules were suspended, bill read third time and passed by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Burton, Camp, Culberson, Davenport, Dwyer, Erath, Friend, Hobby, Joseph, Ledbetter, Morris, Moore, Parker, Shepard, Stirman, Trolinger, Westfall and Wood—22.

NAYS—None.

House bill No. 320, "An Act to provide for supplying the records of Madison and certain other counties therein named, destroyed by fire or otherwise," was read first time and referred to Judiciary Committee.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 30, "An Act concerning rents and advances," and find the same correctly enrolled, and have this 4th day of April, 1874, at 12:45 o'clock, P. M., presented the same to the Governor, for his approval.

WESTFALL, for Committee.

A message was received from the House, announcing the passage of the following bills:

House bill No. 383, "An Act to amend an act entitled 'An act to authorize the county court of Comanche county to issue bonds in the name of said county, for the purpose of erecting public buildings, and to fund the present indebtedness of said county.'"

House bill No. 306, "An Act to repeal section three hundred and fifty-three of 'An act prescribing the mode of proceedings in district courts in matters of probate'" passed August 15, 1870.

Senate bill No. 138, "An act to provide for the re-pay-

ment to James J. Gathings, of Hill county, of money illegally extorted from him by the State police."

Senate bill No. 22, "An act to amend an act entitled an act regulating elections," approved March 31, 1873; and "An act entitled an act to amend an act regulating elections," approved April 1, 1873, with amendments by the House.

House bill No. 330, "An act to amend an act approved the eleventh of January, 1862, entitled 'An act to amend an act entitled an act prescribing the mode of establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes,'" approved the twentieth of March, 1848.

Also, that the House refused to concur in Senate amendments to House bill No. 415, "An act to prevent the leaving of dead bodies in any public highways of the State."

Also, that the House refused to concur in Senate amendments to House bill No. 266, "An act supplemental to an act to authorize counties, cities and towns to aid in the construction of works of internal improvements," approved April 12, 1871.

(Senator Hobby in the chair.)

On motion of Senator Wood, the rules were suspended, to take up House bill No. 100, "An act to provide for supplying the records of Limestone county, destroyed by fire;" also, House bill No. 320, "An act to provide for supplying the records of Madison and certain other counties therein named, destroyed by fire or otherwise," together with the substitute therefor, entitled "An act to provide the supplying of lost records in the several counties in this State." The substitute was read first time.

On motion of Senator Wood, the substitute was adopted.

The substitute was then read second time and ordered engrossed.

On motion of Senator Wood, the rules were further suspended, bill read third time and passed.

By leave, Senator Shepard introduced a bill entitled "An act supplemental to 'An act to regulate proceedings in the district courts,'" approved May 13, 1856. Read first time and referred to the Judiciary Committee.

By leave, Senator Dwyer introduced a bill entitled "An act to repeal 'An act defining a further cause of continu-

ance in civil cases," approved April 29, 1873. Read and referred to Judiciary Committee.

(President in the chair.)

On motion of Senator Hobby, the rules were suspended, to take up House bill No. 399, "An act to add the counties of Chambers, Liberty, Hardin and Jefferson to the Second Judicial District, and to prescribe the times of holding court in said district."

Bill taken up, read second time and ordered engrossed.

On motion of Senator Hobby, the rules were further suspended, bill read third time and passed.

By leave, Senator Westfall introduced a bill entitled "An act to grant additional time to the Missouri, Kansas and Texas Railway Company." Read first time and referred to Committee on Internal Improvements.

On motion of Senator Wood, the rules were suspended, to take up Senate bill No. 352, "An act to change the time of holding the district courts in the Thirty-first Judicial District."

Bill read second time and ordered engrossed.

On motion of Senator Wood, the rules were further suspended, bill read third time and passed.

On motion of Senator Culberson, the rules were suspended, to take up House bill, No. 403; "An Act to change the judicial relations of Angelina and Houston counties, and to provide the times for holding the courts to suit this change of relations;" and, also, the substitute therefor, offered by the committee reporting on said bill, entitled "An Act to amend an act to provide for districting the State of Texas into judicial districts," approved July 2, 1870.

On motion of Senator Culberson, the substitute was laid on the table.

Senator Culberson then offered a substitute for the original bill, entitled "An Act to re-organize the Fourth Judicial District of the State of Texas, and to provide for the holding the courts therein." Read first time.

On motion of Senator Joseph, the substitute was adopted. The substitute was then read second time and ordered engrossed.

On motion of Senator Swift, the rules were further suspended, bill read third time and passed.

Senator Dwyer presented the petition of that portion of

the citizens of Nueces county, proposed to be attached to San Patricio county, protesting against any connection with said San Patricio county." Read and referred to committee on Counties and County Boundaries.

On motion of Senator Stirman, the rules were suspended, to take up House bill No. 99, "An Act to repeal an act entitled an act to locate the county seat of Trinity county," approved May 30, 1873. Bill taken up, read second time and passed to third reading.

On motion of Senator Ball, the rules were suspended, bill read third time and passed.

On motion of Senator Ball, the rules were suspended, to take up House bill No. 280, "An Act making an appropriation to pay the fees due certain officers in cases of impeachment and address against judges, now pending before the Fourteenth Legislature.

Bill taken up, read second time and passed to third reading.

On motion of Senator Ball, the rules were further suspended, bill read third time and passed by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Camp, Culberson, Davenport, Dwyer, Erath, Friend, Hobby, Joseph, Ledbetter, Morris, Moore, Parker, Stirman, Trolinger, Westfall and Wood—20.

NAYS—None.

On motion of Senator Trolinger, the rules were suspended to take up House bill No. 19, "An Act to aid in recovering stolen property." Bill read second time and passed to third reading.

On motion of Senator Trolinger, the amendments recommended by the committee were adopted.

On motion of Senator Trolinger, the rules were further suspended, bill read third time and passed.

On motion of Senator Wood, the rules were suspended to take up Senate bill No. 182, "An Act to provide for regulating the construction of toll bridges," also, the substitute therefor, entitled "an act to provide for the construction of toll bridges."

Bill and substitute taken up. The substitute was read first time and adopted. The substitute was then read second time.

Senator Wood offered the following amendment: Strike out the word "five" in section —, and insert the word "two."

Senator Culberson offered an amendment to the amendment, by inserting just after the word "miles" the words "by land." The amendment being accepted, the amendment offered by Senator Wood amended was adopted.

Senator Allison offered the following amendment:

"Before said petition is granted by the court, the party asking for such charter shall advertise the fact in one newspaper published at the county, provided a paper is published in said county; if not, then to be posted at three public places for at least one month, and by three printed posters, one to be posted at the courthouse and two other public places in said county; and said charter shall not interfere with the right of any person owning land on said stream from keeping up and crossing for their own use." Adopted.

The bill as amended was then ordered engrossed. The rules were further suspended, bill read third time and passed.

House bill No. 26, "An Act regulating the emancipation of minors," together with the report of the committee, that said bill be not adopted, was taken up and read second time.

On motion of Senator Friend, the report of the committee was adopted, and the bill was, therefore, lost.

On motion of Senator Hobby, the rules were suspended, to take up Senate bill No. 347, "An Act to amend section thirteen of an act entitled 'An Act to incorporate the Galveston Bank and Trust Company,' approved April 26, 1871. Bill taken up and read second time, and ordered engrossed.

On motion of Senator Hobby, the rules were further suspended. Bill read third time and passed.

House Bill No. 436, "An Act to amend section one of an act entitled 'An Act to amend the thirty-fourth and thirty-sixth sections of an act entitled 'An Act prescribing the times of holding the district courts in the several judicial districts in this State,' approved August 10, 1870; approved February 6, 1871; approved May 31, 1873, was read first time, and referred to a Judiciary Committee.

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report:

Senate bill No. 23, "An Act to expedite business in the district courts," was taken up.

Senator Joseph moved that the report of the Committee,

which was adverse to the passage, be adopted, which was lost by the following vote:

YEAS—Senators Camp, Friend and Joseph—3.

NAYS—Senators Allison, Ball, Baker, Bradshaw, Culberson, Davenport, Dwyer, Erath, Hobby, Ledbetter, Morris, Moore, Parker, Shepard, Stirman, Trolinger, Westfall and Wood—18.

The bill was then read and was ordered engrossed by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Culberson, Davenport, Dwyer, Erath, Hobby, Ledbetter, Morris, Moore, Parker, Shepard, Stirman, Trolinger, Westfall and Wood—18.

NAYS—Senators Camp, Friend and Joseph—3.

Senator Erath moved a suspension of the rules. Carried.

Senator Moore offered the following amendment, to "strike out 'eight hours' and insert 'seven hours.'"
Amendment lost.

Bill read third time and passed.

The hour for the consideration of the special order having arrived, it was taken up, it being a substitute for Senate bills Nos. 251, 261 and 277, "An Act to regulate the assessment and collection of taxes and to provide penalties for the enforcement of the same."

Senator Wood moved to postpone the bill until Wednesday next, April 8, at 11 o'clock A. M. Carried.

Senator Shepard moved a suspension of the rules to take up House bill No. 89, "An Act to adjust and define the western boundary line of San Jacinto county." Rules suspended, bill taken up, read second time and passed to third reading.

Senator Shepard offered the following amendment:

"In section first, strike out the following words, 'to a point parallel with the thirtieth parallel and twenty minutes in the county of Montgomery; thence in a due line through one corner of Liberty county to the channel of Trinity river, at the same point where the present southern line of Polk county crosses the channel of said Trinity river; thence up the channel of said Trinity river, with its meanderings, to the place of beginning,' and insert 'to where the lower line of R. E. Pace's survey crosses said creek.'"

Upon motion of Senator Ball, the amendment was adopted.

Upon motion of Senator Shepard, the rules were further suspended, bill read third time and passed.

On motion of Senator Camp, the rules were suspended to take up Senate bill No. 22, "An Act to amend an act entitled 'an act regulating elections,' approved March 31, 1873, and an act entitled 'an act to amend an act regulating elections,' approved April 1, 1873," together with House amendments thereto.

Bill and amendments taken up.

On motion of Senator Camp, the House amendments were concurred in.

The hour having arrived for the consideration of the special order, to-wit, Senate bill No. 87, "An Act to refund the one per cent. school tax," it was taken up.

On motion of Senator Davenport, the bill was made special order for Monday next at 11 o'clock A. M.

On motion of Senator Davenport, the Senate reconsidered the vote by which the Senate refused to pass to engrossment Senate bill No. 306, "An Act to define the duties and powers of sheriffs and constables."

Senator Friend then offered a substitute for the original bill, the title of the substitute being "An Act better defining the powers and duties of sheriffs." The substitute was read first time and referred to Judiciary Committee.

On motion of Senator Camp, the rules were suspended to take up House bill No. 395, "An Act to validate sale of town lots in Decatur, in Wise county." Bill taken up, read first time and referred to Judiciary Committee.

On motion of Senator Camp, the rules were suspended, to take up House bill No. 429, "An act to provide for the appointment of sheriffs *pro tem.* in certain cases, and prescribing the manner of qualification and the duties of such officers." Bill taken up, read first time and referred to Judiciary Committee.

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully compared and find correctly enrolled the following Senate bills, to-wit:

Senate bill No. 17, "An act making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature of the State of Texas."

Senate bill No. 54, "An act to repeal an act entitled an act to regulate the sale of lands under the decrees of courts," approved the thirteenth of August, 1870; and an act entitled "An act to repeal the third section and amend the second section of an act entitled 'An act to regulate the sales of lands under the decrees of courts,'" approved the thirteenth of August, 1870, passed the eighth day of May, 1871.

Senate bill No. 120, "An act to create and provide for the organization of the county of Camp."

Senate bill No. 342, "An act to authorize the judge of the Sixth Judicial District to hold a special term of the district court of Harrison county," and have this sixth day of April, 1874, at 10:30 A. M., presented the same to the Governor for his approval.

DWYER, for Committee.

On motion of Senator Friend, the rules were suspended, to take up Senate joint resolution No. 255, "To award Winchester rifles to certain persons and making an appropriation for same." Resolution taken up and read second time.

Senator Westfall moved to amend by adding the following names: Cicero C. Patten, James A. Patten, Harry Hardeman, Louis Green, Charles Haynes, Doc Smith, Jno. Backhes, James Smith, D. Harringhie, John Davidson, John Green, Cambel Davidson, L. Card, J. D. Bird, J. M. Elkins. *+ Montgomery Phillips*

Senator Westfall offered the following amendment:

"Amend by inserting in . . . line, after the word "Winchester," the following words: "or other improved breech-loading." Adopted.

On motion of Senator Wood, the joint resolution was referred to the same special committee that heretofore had it.

On motion of Senator Ball, the rules were suspended, to take up House bill No. 382, "An Act to provide for the payment of Lieutenant J. M. Elkin's company of minute men, organized in Coleman county."

Bill taken up, read second time and passed to third reading.

The rules were further suspended, bill read third time and the following vote was had:

YEAS—Senators Allison, Ball, Bradshaw, Camp, Dwyer, Erath, Friend, Hobby, Joseph, Ledbetter, Stirman, Trolinger and Westfall—12.

NAYS—Senators Baker, Burton, Culberson, Morris, Moore, Parker and Wood—7.

No quorum voting.

On motion of Senator Bradshaw, the Senate adjourned.

SEVENTIETH DAY.

SENATE CHAMBER, }
Austin, April 7, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

The President appointed Senator Camp on the Committee on Counties and County Boundaries, to fill the vacancy caused therein by the absence of Senator Flanagan.

Senator Stirman presented a petition from citizens of a portion of Collin county, "asking that they be attached to the county of Rockwall." Read and referred to committee on Counties and County Boundaries.

Senator Baker presented a petition from ladies of Houston, "asking that the Legislature pass a law to check the fearful evils of intemperance;" also introduced a bill, entitled, "An Act to regulate the sale of intoxicating liquors, and to prohibit the sale thereof in certain cases, and to provide penalties for the enforcement of the same." Petition and bill read and referred to Committee on State Affairs.

A message was received from the House announcing that the House had passed Senate substitute for House bill No. 6, "An Act to ascertain the amount due the teachers of the public free schools of this State, for service rendered prior to the first day of January, 1873, and to provide for the payment of the same," with amendments by the House.

Senator Culberson for Committee on Judiciary, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

The Committee on Judiciary, to whom was referred House bill No, 409, "An Act to provide for the appointment of